

GROUND

Plaintiff asks the Court to prohibit Defendants from offering any of the following matters without first asking for a ruling from the Court, outside the jury's presence, on the admissibility of the matter.

1. Any references to any allegations, holdings, or evidence presented in any other matter, lawsuit, or criminal proceeding – specifically Plaintiff's defenses of a malpractice suit and a complaint with the Texas Medical Board. These matters were unrelated to any employment decisions with Plaintiff giving rise to this suit. Such references are irrelevant to the limited issues in this matter, and the probative value of such evidence would be outweighed by its prejudicial effect. *See* FED. R. EVID. 401, 402 & 403.

AGREED: x GRANTED: DENIED:

2. Any evidence, statement, or argument about grounds allegedly discovered by Defendants concerning Plaintiff post-March 18, 2022. Such matters played no role or part in the denial of due process and are therefore irrelevant, confusing, and prejudicial. *See* FED. R. EVID. 401, 402 & 403.

AGREED: GRANTED: DENIED:

3. Discussion or reference to Plaintiff's attempts, passage or failure relating to licensure board examinations. These matters were unrelated to any employment decisions with Plaintiff giving rise to this suit. Such references are irrelevant to the limited issues in this matter, and the probative value of such evidence would be outweighed by its prejudicial effect. *See* FED. R. EVID. 401, 402 & 403.

AGREED: x GRANTED: DENIED:

4. Plaintiff's seeking, obtaining or losing any alternative peer-elected position(s), including the refusal to allow Plaintiff to submit such an application. These matters were unrelated to any employment decisions with Plaintiff giving rise to this suit. Such references are irrelevant to the limited issues in this matter, and the probative value of such evidence would be outweighed by its prejudicial effect. *See* FED. R. EVID. 401, 402 & 403.

AGREED: _____ GRANTED: _____ DENIED: _____

5. Any evidence, statement, or argument concerning a claim, lawsuit, verdict, or judgment having an adverse effect on Defendants, including any reference to the effects on taxpayers or public funding.

AGREED: x GRANTED: _____ DENIED: _____

6. Any reference to draft reports or communications between Plaintiff's counsel and Plaintiff's expert witnesses, as prohibited in Fed. R. Civ. P. 26(b)(4)(B) and (C). Such matters are protected from discovery and likewise inadmissible.

AGREED: x GRANTED: _____ DENIED: _____

CONCLUSION

For these reasons, Plaintiff asks the Court to instruct the Defendants and all their attorneys not to mention, refer to, interrogate about, or attempt to convey to the jury in any manner, either directly or indirectly, any of these matters without first obtaining the permission of the Court, outside the presence and hearing of the jury, and to instruct Defendants and all their attorneys to warn and caution each of their witnesses to follow the same instructions.

Respectfully submitted,

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By: /s/ Christopher S. Ayres
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing pleading was forwarded to all registered counsel via the Court's electronic service system on the date and time of its submission.

/s/ Christopher S. Ayres
Christopher S. Ayres